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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,055

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Frank R. Overstreet

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7590

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COATS & BENNETT/SONY ERICSSON

1400 CRESCENT GREEN

SUITE 300

CARY, NC 27518

EXAMINER

BEMBEN, RICHARD M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/731,055

**Applicant(s)**

OVERSTREET, FRANK R.

**Examiner**

RICHARD M. BEMBEN

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 24 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-23, 25 and 31-46 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Affidavit/Declaration - 37 CFR 1.131***

1. The Declaration of Ivan Nelson Wakefield filed on 8 July 2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Takahashi (US Pub. No. 2004/0004671) reference.

2. The evidence submitted (Exhibits 3-7) is insufficient to establish diligence from a date prior to the date of reduction to practice of the Takahashi reference to either a constructive reduction to practice or an actual reduction to practice. Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application).

**MPEP 715.07(a).** The date of reduction to practice of the Takahashi reference (i.e., US filing date) is 24 June 2003. Exhibit 2 effectively shows conception of the claimed invention not later than 12 March 2003. However, regarding numbered paragraphs 5 and 6 of the Declaration filed 8 July 2008, diligence from just prior to 24 June 2003 has not been shown because (1) it is unclear when the internal review board reviewed the Invention Disclosure and (2) the "request to file" letter was prepared on or about 7 July 2003, which is not just prior to 24 June 2003.

3. Because the Applicant has not shown diligence from just prior to 24 June 2003, the date of reduction to practice of the Takahashi reference, the claim rejections in Non-Final Office Action dated 8 April 2008 are maintained and repeated below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-3, 5-7, 19-23, 25, 31-36, 38-42 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2004/0004671 filed by Takahashi.**

Regarding **claim 1**, Takahashi discloses a stand for a camera-equipped wireless communications device (refer to [0012], "mobile phone with a camera") comprising:

a base to support the camera-equipped wireless communications device (refer to [0098] and Figure 11, leg portion 602);

an adjustable terminal support movably mounted to the base ([0098]-[0099]; Figure 11, camera mounting unit 604; also refer to [0103], [0112]-[0113], and [0120]-[0127] which describe movement), and including a system plug (refer to [0099] and Figure 11, connection terminal 608) that connects to a system interface on the camera-equipped wireless communications device (refer to Figure 11);

an auxiliary system connector mounted to the base to connect a peripheral device associated with the camera-equipped wireless communications device to the base (refer to [0100] and Figure 11 digital communication terminal 612); and

a system bus extending through the interior of the base that interconnects the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11).

Regarding **claim 2**, refer to the rejection of claim 1 and Takahashi further discloses a power bus to provide power to the system plug (refer to [0100]; Figure 7).

Regarding **claim 3**, refer to the rejection of claim 1 and Takahashi further discloses that the power bus further provides power to the auxiliary system connector (USB terminals provide power from which USB devices may draw power).

Regarding **claim 5**, refer to the rejection of claim 1 and Takahashi further discloses that the adjustable terminal support comprises a shaft (refer to [0120]-[0122] and Figures 15A-B, the mechanism comprising support portion 802, engaging projection 804, recesses 808A-B, support receiver 806).

Regarding **claim 6**, refer to the rejection of claim 5 and Takahashi further discloses that the shaft comprises a telescoping shaft (refer to [0119]-[0127] and Figures 15A-B).

Regarding **claim 7**, refer to the rejection of claim 1 and Takahashi further discloses that the adjustable terminal support provides one or more degrees of freedom to the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and

Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 19**, refer to the rejection of claim 1 and Takahashi further discloses that the system bus electrically connects the system plug to the auxiliary system connector (refer to Figure 7 and [0100], all components are electrically connected – “610 and 612 are connected to the connection terminal 608”).

Regarding **claim 20**, refer to the rejection of claim 1 and Takahashi further discloses that the base is a charger for the camera-equipped wireless communications device (refer to [0099], “The cradle 600 functions as a stand for stably holding the digital camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510”).

Regarding **claim 21**, refer to the rejection of claim 1 and Takahashi further discloses that the camera-equipped wireless communications device includes an integrated camera ([0012], “mobile phone with a camera”).

Regarding **claim 22**, refer to the rejection of claim 1 and Takahashi further discloses that the camera-equipped wireless device connects to a separate camera accessory via the system bus ([0099]-[0100], “external equipment”).

Regarding **claim 23**, Takahashi discloses a stand for a camera-equipped wireless communications device comprising:

a terminal support (refer to [0098]-[0099] and Figure 11, camera mounting unit 604) having a shaft (refer to [0120]-[0122] and Figures 15A-B, the mechanism comprising support portion 802, engaging projection 804, recesses 808A-B, support receiver 806); and

a system plug disposed at one end of the shaft to connect to a system interface on the camera-equipped wireless communications device (refer to [0099] and Figure 11, connection terminal 608).

Regarding **claim 25**, refer to the rejection of claim 23 and Takahashi further discloses that the shaft comprises a telescoping shaft (refer to [0119]-[0127] and Figures 15A-B).

Regarding **claim 31**, Takahashi discloses a method of positioning a camera-equipped wireless communications device (refer to [0012], "mobile phone with a camera") along multiple axes using a stand associated with the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement) comprising:

connecting a system interface on the camera-equipped wireless communications device to a system plug on an adjustable terminal support movably mounted to a base (refer to [0098]-[0102] and Figures 7 and 11);

connecting an interface of a peripheral device associated with the camera-equipped wireless communications device to an auxiliary system connector mounted to the base (refer to [0100] and Figure 11 digital communication terminal 612); and

interconnecting the system plug and the auxiliary system connector with a system bus that extends through the interior of the base (refer to Figure 7 and [0100], all components are electrically connected).

Regarding **claim 32**, refer to the rejection of claim 31 and Takahashi further discloses charging a battery in the camera-equipped wireless communications device via a power bus that extends through the interior of the base to the system plug (refer to [0099], "The cradle 600 functions as a stand for stably holding the digital camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510").

Regarding **claim 33**, refer to the rejection of claim 31 and Takahashi further discloses charging the auxiliary battery in the peripheral device via the system bus (it is inherent that USB terminals provide power from which USB devices may draw power, including to charge portable devices).



Regarding **claim 34**, refer to the rejection of claim 31 and Takahashi further discloses positioning the camera-equipped wireless communications device by pivoting the adjustable terminal support (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 35**, refer to the rejection of claim 31 and Takahashi further discloses adjusting the height of the camera-equipped wireless communications device attached to the adjustable terminal support by extending a telescoping shaft on the adjustable terminal support (refer to [0119]-[0127] and Figures 15A-B disclosing vertical movement).

Regarding **claim 36**, refer to the rejection of claim 31 and Takahashi further discloses positioning the peripheral device by pivoting the auxiliary system connector (it is inherent that a USB cable can easily be pivoted to position the "external device").

Regarding **claim 38**, Takahashi discloses a stand for a camera-equipped wireless communications device (refer to [0012], "mobile phone with a camera") comprising:

a base (refer to [0098] and Figure 11, leg portion 602);

a terminal support (refer to [0098]-[0099] and Figure 11, camera mounting unit 604) having a system plug (refer to [0099] and Figure 11, connection terminal 608) and mounted to the base (refer to Figure 11);

an auxiliary system connector mounted to the base (refer to [0100] and Figure 11 digital communication terminal 612);

a power line to provide power to the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11); and

a system bus interconnecting the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11).

Regarding **claim 39**, refer to the rejection of claim 38 and Takahashi further discloses that the power line connects to the base (refer to [0100] and Figures 7 and 11).

Regarding **claim 40**, refer to the rejection of claim 38 and Takahashi further discloses that power line extends through the interior of the base and connects to the system plug (refer to Figure 7 and [0100], all components are electrically connected – “610 and 612 are connected to the connection terminal 608”).

Regarding **claim 41**, refer to the rejection of claim 38 and Takahashi further discloses that the system bus electrically connects the power line to the auxiliary system connector (refer to Figure 7 and [0100], all components are electrically connected).

Regarding **claim 42**, refer to the rejection of claim 41 and Takahashi further discloses that the terminal support provides one or more degrees of freedom to the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 44**, refer to the rejection of claim 38 and Takahashi further discloses that the system plug connects to a system interface on the camera-equipped wireless communications device (refer to [0099] and Figure 11, "The connection terminal 608 shown in Fig. 11 is engaged in the cradle connection terminal 518 on the camera side...").

Regarding **claim 45**, refer to the rejection of claim 44 and Takahashi further discloses that the auxiliary system connector connects to a peripheral device associated with the camera-equipped wireless communications device (refer to [0099]-[0100], "The cradle 600 functions as a stand for stably holding the digital camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510").

Regarding **claim 46**, refer to the rejection of claim 45 and Takahashi further discloses that the camera-equipped wireless communications device communicates with the peripheral device via system bus (refer to [0099]-[0100]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 4 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Pub. No. 2002/0186317 filed by Kayanuma.**

Regarding **claim 4**, Takahashi discloses the limitations of claim 1 including a base to support the camera-equipped wireless communications device. However, Takahashi does not disclose a threaded mounting point disposed on the underside of the base to mount the base to a tripod.

Kayanuma discloses a base to support a camera comprising a threaded mounting point disposed on the underside of the base to mount the base to a tripod (refer to [0056] and Figures 3 and 4, screw hole 42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a threaded mounting point on the underside of the base to mount the base to a tripod as disclosed by Kayanuma in the base disclosed by Takahashi in order to mount the base to a tripod. One would be motivated to do so (1) in order to elevate the image

capture device or (2) in order to stabilize the image capturing device in order to avoid capture error due to hand shake.

Regarding **claim 37**, refer to the rejection of claim 4 above.

**8. Claims 8 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 2,670,228 issued to Pagliuso.**

Regarding **claim 8**, Takahashi discloses the limitations required in claim 1, including an adjustable support terminal. However, Takahashi does not disclose that the adjustable support terminal includes a ball member at one end that is movably retained by the base.

Pagliuso discloses a ball swivel tripod assembly head comprising an adjustable support terminal that includes a ball member at one end that is movable retained by the base (refer to Figure 1, element 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the adjustable support terminal includes a ball member at one end that is movably retained by the base as disclosed by Pagliuso in the stand disclosed by Takahashi in order to allow an increased range of motion for the camera-equipped wireless communications device.

Regarding **claim 43**, refer to the rejection of claim 8.

**9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 4,081,814 issued to Bulland.**

Regarding **claim 17**, Takahashi discloses the required limitations of claim 1 including an auxiliary system connector on the base to connect a peripheral device. However, Takahashi does not disclose that the peripheral device is a flash accessory.

Bulland discloses a stand for a camera comprising a base and an auxiliary system connector to connect a peripheral device, such as a flash accessory (refer to col. 3, ll. 35-55 and Figures 1-3, flash attachment 26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect a flash accessory as disclosed by Bulland on the auxiliary system connector, which connects the base to "external devices", as disclosed by Takahashi. One would have been motivated to do so in low light conditions when a flash device is required to properly illuminate the scene. One would be further motivated to do so when considering a mobile phone with a camera because many mobile phones with a camera do not have integrated flash capability.

Regarding **claim 18**, Takahashi discloses the required limitations of claim 1 including an auxiliary system connector on the base to connect a peripheral device. However, Takahashi does not disclose that the peripheral device is another camera.

Bulland discloses a stand for a camera comprising a base and an auxiliary system connector to connect a peripheral device, such as another camera (refer to col. 3, ll. 61-68 and Figure 3). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to connect another camera as disclosed by Bulland on the auxiliary system connector, which connects the base to "external devices", as disclosed by Takahashi. One would have been motivated to do so in order to capture images simultaneously with the two cameras or to simply support one camera while the photographer captured an image with the other camera.

***Allowable Subject Matter***

10. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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